

# CHARTER REVIEW COMMITTEE

## MINUTES

February 1, 2021

Webex Conferencing System

5:30 p.m.

**CALL TO ORDER** Chairperson Singer called the meeting to order at 5:30 p.m.

**PRESENT** Chairperson David Singer, Vice Chairperson Otis Wheeler, Councilor Shelia Gilmour, Councilor Christine Forgey, Erin Donnally Drake, John Lunt and Allen Woods.

**ABSENT** None

**ALSO PRESENT** City Council President Penny Ricketts and members of the public.

**CHAIR STATEMENT:** This meeting is being recorded by the Charter Review Committee. If any other persons present were doing the same they must notify the chairperson at this time.

**MOTION:** On a motion by Councilor Forgey, second by Councilor Wheeler, it was by roll call, 6 yes, 1 abstention,

**VOTED:** TO APPROVE THE CHARTER REVIEW COMMITTEE MINUTES DATED DECEMBER 7, 2020, AS AMENDED TO THE FOLLOWING:

- **David Singer spoke about why Section 6-6 is in the Charter. The purpose of the** Central Maintenance Department, as described in the Charter, was to provide ~~provided~~ **maintenance** services for the City as well as the Schools. ~~Were Chapter 70 funds still available for the Central Maintenance Department, now under the jurisdiction of the DPW, to service to Schools and did the School Committee have the power to vote for said funding.~~ **The goal was to merge the maintenance funding from Chapter 70 and municipal funds and create a separate entity to ensure maintenance occurred across the board. Councilor Wheeler indicated that the City Council approved an Ordinance for Central Maintenance to become part of the DPW. Singer asked: Since the school buildings are under the jurisdiction of the School Department, was a vote ever taken by the School Committee to allow Chapter 70 funds to be incorporated in to the general funds of the City budget? The Committee agreed this needs to be looked into.**
- **Discussion about whether the Public Safety Commission meets the needs of those whose civil rights are violated by public safety employee of the City. Can the Charter language be amended or expanded in this Section or is there a need for a separate Police Civilian Review Board. Committee members felt that in order to add a Police Civilian Review Board, a separate city wide committee should be formed by the Mayor to explore.**
- **Suggestion was made to increase the number of members on the Public Safety Commission to allow the possibility of establishing a more diverse panel and to add a provision that addressed the need to have diversity by stating the Mayor must make an effort to appoint members with diversity in mind.**
- **Section 6-14: Board of Assessors, Subsection (a) – A question was raised as to the Acting Chief Assessor's need to be certified in order to have the ability to vote. Research would need to be made on the legality of electing Assessors as opposed to appointing Assessors and if it would address instances of** **Discussion about adding language to the Charter which helps address the concern about instances of Assessors having “conflicts of interest” vs. or what constitutes**

“corruptive practices.” There would be further discussion on this issue to establish proposed language for this section.

- **Section 6-14: General discussion about the need to change this section by adding more assessors and determining how many are elected and how many are appointed under MGL Chapter 59.**
- **Section 6-16: Board of Health – Currently the Charter simply states how many members, how appointed, what qualifications were needed and that its powers were governed by the general laws and home rule. The same issues that concerned Committee members in regards to the Board of Assessors also applied to the Board of Health’s section of the Charter. Suggestion was made for that the Board of Health, not the Mayor, to oversee and be responsible for the Health Department. The question is, under the Home Rule can a City decide to have the Board of Health or the Mayor be in charge of the Health Director, or was there a law or regulation that controls? Needs to be researched.**
- **Since Greenfield was a City, it had the option to vote to change from Board of Health to a Health Department. In order to do so, the city would need to:**
  - ~~The City would need to create a Health Department in the Charter.~~
  - ~~In accordance with Massachusetts General Law Chapter 111, Section 30, only the Board of Health had authority to appoint Agents and Directors to the Health Department.~~
  - **In accordance with Massachusetts General Law Chapter 111, Section 26A, the City Council, with approval of the Mayor, could vote to create a Health Department, which would consist of a Health Commissioner, to replace the Board of Health.**
  - ~~More clarification would need to be provided in the Charter as to who the Health Director reported to.~~
- A question was raised as to whether City Departments were required to be enumerated by the City Charter and/or the Code of Greenfield. **Needs more discussion.**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Forgey, it was by roll call, 6 yes, 1 abstention,

**VOTED:** TO APPROVE THE CHARTER REVIEW COMMITTEE MINUTES DATED DECEMBER 21, 2020, AS AMENDED TO THE FOLLOWING:

- The Panel discussed ~~if benefits and detriments of Rank Choice Voting. would be beneficial with the election process in the City of Greenfield and if any proposed language on this topic would be presented to the Council for consideration.~~ **The Rank Choice Voting ordinance of Easthampton was presented as an example. It was also discussed that under the current system in Greenfield, both At large Councilors and School Committee members were elected by determining who receives the top two best results, which means at least one winner will receive less than 50%. If RCV was being considered, must take into consideration that the goal of the RCV system was so “a winner receives more than 50% of the vote”. In order for RCV to become part of the Charter, the requirements of MGL Chapter 43B would have to be followed. A vetting by the Council, or others, also needed to be made to determine what were the reasons for the change and how the change would benefit Greenfield. It appears the ultimate decision would be made by the voters, not the Mayor and the Council. Therefore, this Committee would not make a recommendation at this time except to follow 43B.**
- **Section 7: Citizen Initiative Measures**
  - **A goal was for the language for this section should be simplified and to be simple and clear for the benefit of citizens and Councilors.**
  - **Suggestion was made to change the category of voters from “registered voters in the last biennial election” to just simply “of all registered voters”. Suggestion was made to raise the percentage of *registered voter signatures* needed for the submission of an initiation should be petitions. It was noted that suggestions received by the Committee have**

proposed 10% of registered voters. Discussion about having a low threshold or a high threshold of voters to initiate the petitions. The petitions are a check and balance for the voters who want to be sure that there is a way to challenge actions of public officials, so how and where to find the proper balance with a City Charter remains the question.

- It was noted that the Citizens Initiative and the Citizens Referendum (7-8) were two separate issues; ~~however, the two sections were treated too similarly.~~ **types of petitions; one from the ground up (“initiative”) and one to protest a vote by a body (“referendum”).**
- It was suggested to add ~~an~~ **Appendices to both Sections** to show a **simpler and hopefully** clearer step by step process **of how to proceed under each Section**, for citizens to **better** follow. **Also a definitional sentence or paragraph at the beginning of each Section or in the definition section of the Charter.**
- Section 8: Citizen Referendum Procedures
  - It was noted that when the proposed language was sent to the State Legislature they had omitted “of any measure” in the first sentence of subsection (a). **This had been corrected.**
  - **A goal is for the language to be clear, and simply stated, but legally sufficient.**
  - ~~This section cross referenced Section 7-7 (Citizen Initiative Measures) too extensively.~~ **Some of the confusion in Section 7-8 is the fact that it cross references, instead of spelling out, parts of Section 7-7. Suggested to just spell out the cross references in Section 7-8 for ease of reading and clarity.**
  - **If the number of voters needed for the petition is increased, Since it may be difficult to obtain so many signatures in the current time period of 10\$ of registered voters was the standard, then is also suggested** ~~Suggestion was made to extend the time in subsection (a) from thirty (30) day to forty five (45) days. , with 10% of registered voters in Greenfield.~~

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Forgey, it was by roll call, 5 yes, 2 abstention,  
**VOTED:** TO APPROVE THE CHARTER REVIEW COMMITTEE MINUTES DATED JANUARY 11, 2021,  
 AS AMENDED TO THE FOLLOWING:

- **It was suggested to review Public Safety Commission section again.**
- ~~The proposed suggestions submitted to the Committee were not included as attachments to the 1<sup>st</sup> draft.~~ **Exhibits referenced in the Draft still need to be shared with the Committee.**
- ~~Committee members were encouraged to include additional edits and proposed language to the 1<sup>st</sup> draft.~~
- If Greenfield were to decide on the proposed change to Rank Choice Voting, a Charter Commission would need to be formed **under MGL Chapter 43B.**
- Were all of the Committees and Commissions formed by the City of Greenfield required to be listed in the Charter; **what other Committees should be included i.e., Greenfield Housing Authority, Greenfield Reinvestment Authority, and Human Rights Commission.**
- Research and review the Charter **again** for any language or sections that could be considered obsolete or in need to updating.
- Timeline as to when the Charter Review report would be forwarded to the City Council. **Should it be soon, or should the Committee take another dive in to the Charter.**
- ~~Suggestion was made~~ **Chair asked the committee members** to submit ~~any further~~ comments and proposed language to the 1<sup>st</sup> draft within a week of the next scheduled Charter Review Committee meeting. **Suggestion made to have all members weigh in on Draft Report and then the Committee will also provide a separate summary where members can also weigh in with individual reflections. Also A&O at Council was ready to do a broad review of the Ordinances, so the timing for the Charter Report can be helpful.**
- The City Council may want ~~to garner~~ an opinion from the City Attorney in regards to Rank Choice Voting.

Chairperson Singer opened the February 1, 2021, meeting with the discussion on Committee Members' Comments to the 1st draft report. Comments included:

- Councilor Wheeler noted the panel may need to have further discussion in regards to Section 6-11 for the Public Safety Commission and Sections 7-7 & 7-8 for Citizens Initiations and Citizens Referendums.
- Councilor Forgey noted that she had submitted further recommendations in regards to the Public Safety Commission. She encouraged the Committee to review and discuss the Charlottesville, Virginia Public Safety information that Chairperson Singer introduced to the panel.
- The panel agreed that the Committee should have at least three future meetings to further discuss any substantive changes in regards to the Public Safety Commission, Rank Choice Voting, the Health Department, and the Citizens Initiative and Referendum.
- Chairperson Singer noted that he would accept recommendations until a date certain and would discourage “eleventh hour” submissions.
- Councilor Wheeler presented his comments to the 1<sup>st</sup> draft as follows:
  - Chapter 1-7: Definitions, (o) Voters - To consider adding “resident alien”, or to add a new paragraph (p) to specify what would constitute a “resident alien.”, who can vote at the local level but not Federal levels. Chairperson Singer then opened discussion to the Committee to discuss under what circumstances the Committee would recognize a resident alien as eligible to run for a local elected position. Back and forth ensued with some stating that only a US citizen should be able to hold office and others wondering if there are not positions in City government that might be an exception.
  - Chapter 2-6: Exercise of Powers; Quorum; Rules (c) 2: Rules of Procedure – Electronic notification of special hearings in lieu of hand delivery to each Councilor’s residence. The Councilors could notify the Clerk’s office through “electronic receipt” that the special meeting agenda was received. Suggestion was made to provide an option for the Clerk’s office to send the notice of special meeting to Councilors by hand delivery or electronic notice but not to remove the current options just yet.
  - Chapter 2-8: Officers Elected by City Council; (a): City Auditor – The language would be “vote to appoint” rather than “elect”, as was first suggested. Committee member Donnally pointed out that the two terms had similar meanings and “elect” appeared consistently throughout the Charter.
  - Chapter 3-3: Appointments by the Mayor; (a): City Officers and Department Heads – Addition of the words “or by ordinance” in instances when a multiple member body (i.e. the soon-to-be assembled Community Preservation Committee) were appointed as provided by ordinance. Committee member Lunt made a suggestion to replace “civil service law” with “as provided by ordinance or other applicable law.” Councilor Forgey noted that one department in Greenfield continued to utilize civil service law and therefore the phrase should remain in the Charter. Chairperson Singer suggested the language to read, “civil service law, by ordinance, or other applicable law.”
  - Chapter 3-6: Temporary Absences of the Mayor; (b): Special Meetings of the City Council – The same language used in Chapter 2-6 in regards to electronic notification would also apply to this section.
  - Chapter 6-7: Planning and Construction of Municipal Buildings and Other Facilities; (b): Powers and Duties – Suggestion was made to request input from the members of the Planning and Construction Committee on whether to delete the following language from the Charter: “Whenever any construction work on any municipal building or other facility is authorized, the Planning and Construction Committee shall be responsible for all work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction.” Committee member Donnally noted that a member of the Planning & Construction Committee submitted a recommendation to “share the responsibility to reflect the committee’s level of interaction on building projects.” Committee member Woods noted that Mayor

Wedegartner had also submitted a recommendation to amend the language to ““Whenever any construction work on any municipal building or other facility is authorized, the Planning and Construction Committee shall ~~be responsible for all~~ **monitor the** work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction. **through contact with the Department of Planning and Development and Building Inspections Department.**” This issue may need to be discussed by the full Council.

- Chapter 6-11: Public Safety Commission; (d): Powers and Duties – The Committee agreed that this section would need further discussion.
- Committee member Woods presented his comments to the 1<sup>st</sup> draft as follows:
  - Chapter 1-7: Definitions, (o) Voters & Chapter 2-6: Exercise of Powers; Quorum; Rules (c) 2: Rules of Procedure as was previously discussed in Councilor Wheeler’s recommendations.
  - Chapter 3-1: Mayor Qualifications; Term of Office; Compensation; (c): Compensation – Remove the minimum salary figure amount of \$70,000. Committee member Donnally suggested that the Mayor’s minimum annual salary could be “benchmarked” with other similar surrounding Town’s Mayoral minimum annual salaries to avoid a significant decrease of the proposed salary. Councilor Wheeler suggested that the minimum should be increased to \$80,000.
  - Section 4-2: School Committee Chair – Addition of section **(d): Secretary – The Secretary of the School Committee will keep or cause to be kept an accurate journal and permanent record book of all Committee meetings in which all its votes, orders and proceedings shall be recorded: will comply with state law and Committee policy regarding notification of meetings; and will render such reports as may be required by the state.**
  - Section 6-5: Assistant to the Mayor for Economic Development and Marketing – The Mayor ~~may~~**shall** appoint an Assistant for Economic Development and Marketing for an indefinite period term whose function it is to promote the economic development and marketing of the City of Greenfield in accordance with the direction of the Mayor. Councilor Wheeler questioned the need for this position since there was a Community and Economic Development Director.
  - Section 6-7: Planning and Construction of Municipal Buildings and Other Facilities; (b): Powers and Duties - The Planning and Construction Committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from ~~time to time~~ **at least twice a year** with representatives of municipal agencies to evaluate the need for additions, renovations, or remodeling of any existing building or facility or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the Mayor in which, it shall make recommendations as to the need for any project or projects.
  - Section 6-11: Public Safety Commission; (a) There shall be a Public Safety Commission consisting of ~~five (5)~~ **seven (7)** members, all of whom shall be residents and registered voters of the City, appointed by the Mayor subject to provisions of section 2-10. **The Mayor shall make every effort to appoint Commission members so that the Commission reflects the most recent Census demographics of the City in terms of race, ethnicity, gender, and age. The Commission may include no more than three employees or former employees of the police and fire departments.**
    - ❖ (f) Meetings - The Commission shall meet ~~on a regular basis~~ **at least once a month.**

- Section 6-12: Library Trustee; (d) 2; Powers and Duties - To make all reasonable rules and regulations for the operation and management of the Library in consultation with the Mayor **and the Library Trustees.**
- Addition of Section 6-25: Human Rights Commission.
- The issue of Rank Choice Voting will need to be discussed at the Council level and in order to make such a change a Charter Review Commission needs to be elected to sort it out and make recommendations. Committee member Donnally suggests that the Report should not express pros and cons of the Committee with respect to RCV. Chairperson Singer suggested that the report at least express what was discussed at the Committee level.
- Section 7-7: Elections; Election Related Matters & 7-8: Citizen Referendum Procedures - Council members Woods summarized the proposed changes that he and Chairperson Singer had submitted.
- Section 7-12: Recall Elections; (b) Recall Petition - Five hundred (500) or more voters may file with the Board of Registrars of Voters an affidavit containing the name of the elected at-large officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of at least twenty-five (25) voters in each of the precincts into which the City is divided for the purpose of elections. One hundred (100) or more voters **of an individual precinct** may file with the Board of Registrars of Voters an affidavit containing the name of ~~the~~ **their** individual precinct elected officer sought to be recalled and a statement for the grounds for recall.
- Chairperson Singer recognized Al Norman to answer questions put forward by the Committee members in regards to the proposed recommendations he had submitted on Sections 7-7 & 7-8.
  - Committee member Woods requested for an explanation on a suggested intent to have a vote made by the City Council be suspended if a legal citizen's referendum had been submitted with the required 10 signatures. Mr. Norman did not have any objections if the referendum did not suspend the Council vote and understood that the referendum was a notice that an objection was in the process of being filed and determined legal by the City Attorney before the needed number of signatures could be collected.
- Chairperson Singer noted that issues regarding the Assessor's Office was addressed in the statute. And it would be the decision of the Council as to possible expansion of the Assessors and to the extent the Home Rule would allow. Further research would need to be done in regards to if the Health Department Director was under the jurisdiction of the Board of Health or the Mayor's office.
- Committee member Donnally presented her comments to the 1<sup>st</sup> draft as follows:
  - Section 2-8: Officers Elected by the Council; (d) Removal/Suspension Any person elected by the City Council may be removed or suspended by the City Council by the use of procedures substantially the same as those contained in section 3-4(b). She suggested rewriting section (b) to include wording about the relationship with the mayor, **"The City Clerk also provides reasonable support for the Mayor's Office, which may be reviewed by the City Council."**
  - Section 3-1: Mayor: Qualifications; Term of Office; Compensation; (c) Compensation – She suggested, **"Mayor shall receive an annual salary not lower than benchmarked mayoral salaries"** or something to that effect if the Council worries about a council going below 70,000.

- Section 3-4: Removal or Suspension of Certain Officials (a): City Officers and Department Heads - The Mayor may, ~~in writing~~, remove or suspend any City officer, or the head of any City department appointed by the Mayor, by filing a written statement with the City Clerk setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said City officer, or head of a department. The said City officer, or head of a department, may make a written reply by filing such a reply statement with the City Clerk within ten (10) days following the date the statement of the Mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the Mayor shall so determine. The decision of the Mayor in suspending or removing a City officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Mayor. The removal shall take effect on the 30th day following the date of filing by the Mayor of the notice of removal in the office of the City Clerk.
- Section 3-9: Vacancy in Office of Mayor (b) Council Election – She noted that section 2-11 did not make sense when the councilor who would need to be replaced was the President. Unless it was assumed that the Vice President became President and therefore was the one to appoint a new councilor. If that was the case, 2-11 should reference that. Suggestion had been made that if the President became Mayor, the Council would hold another organizational meeting to choose new officers. Further discussion may be required. This section may need to reference the new proposed section (2-2(d)).
- Section 4-2: School Committee Chair – It was noted that the majority of the public who had spoke at the public hearing did not support the Mayor holding the Chair position.
- Section 4-4: Compensation; Expenses – Suggestion was made to combine subsections (a) Salary and (b) Further salary.
- Section 4-6: Filing of Vacancies - New suggestion for language for this section from Committee members Lunt & Donnally: If a vacancy shall occur in the office of School Committee member more than 120 days (Ms. Donnally noted that the City Council filled a vacancy within 90 days and believed the School should be consistent) before the next regular City-wide election, the vacancy shall be filled per the process outlined in the School Committee policy manual. Persons serving as School Committee members under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot. In the event of an impasse, the president of the City Council shall have a vote. Chairperson Singer inquired how this would be addressed if the School Committee decided to amend their policy manual.
- Section 5-2: School Committee Budget (a) Public Hearing & Section 5-3: Submission of Budget and Budget Message – Suggestion was made to publish the notice of public hearing on the City’s website if local news publications decided to end the production of paper issues.
- Section 6-8: Department of Human Resources (a) Establishment, Scope – Suggested language as follows: The functions of the Department of Human Resources shall include, **but not be limited to**, the following:
- Section 6-11: Public Safety Commission – Amend the language to indentify titles as gender neutral.

- (i) – Reference Massachusetts General Law Chapter 268A Section 1(n) when describing special municipal employees.
- Include the process of Rank Choice Voting and list the arguments for and against how this issue could impact the elections in Greenfield. Councilor Gilmour noted that Councilors had received numerous communications from the public on this issue. Chairperson Singer suggested that the Charter Committee not submit this issue in their final report and leave it to the Councilors how they would like to proceed.

The next meeting would be scheduled for February 22, 2021, 5:30 pm, via Webex Conferencing System.

**ADJOURNMENT:** On a motion by Councilor Gilmour, second by Councilor Forgey, it was unanimously

**VOTED:** TO ADJOURN THE MEETING AT 7:52 P.M.